

The Honorable Robert S Lasnik

JAMES MCDONALD  
14840 119<sup>th</sup> PL NE  
Kirkland, WA 98034  
Phone (425) 210-0614  
In Pro Per

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

In Re:	)	NO.: C10-1952RSL
	)	
JAMES MCDONALD	)	Plaintiff James McDonald's
	)	Reply to Defendants OneWest et al
Plaintiff	)	Response to Plaintiff's Motion to
v	)	Compel
ONEWEST BANK, FSB, et al.,	)	
Defendants.	)	Noting Date: June 3 <sup>rd</sup> , 2011
	)	

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**COMES NOW**, Plaintiff James McDonald and filed this Reply to Defendants' OneWest, MERS and Northwest Trustee Services Response to Plaintiff's Motion to Compel and urges the Court to grant Plaintiff's Motion to Compel.

**I. Evidence Relied Upon**

- A. Plaintiff's Motion to Compel
- B. Electronic mail from Plaintiff to Miss Buck on March 23<sup>rd</sup>, 2011
- C. Defendants Response to Motion to Compel
- D. Declaration and Certification of James McDonald in Support of Motion to Compel

**II. Argument**

Plaintiff acknowledges that the Declaration of Certification required by FCRP 37 did not accompany the original Motion to Compel filed with this honorable Court. Unfortunately the "how to" Plaintiff utilized in filing the Motion to Compel was obviously inadequate. Plaintiff, as pro se, is eager to correct any technical or procedural flaws in his pleadings and motions and has therefore attached the required Declaration with this Reply.

Defense's argument that Plaintiff has failed to comply with Local Rule 37(a)(2)(A) is incorrect. Quite frankly it is the Defense that failed to comply. First, there was no dispute made to Plaintiff's First Request to Produce Documents served upon the Defendants on April 4, 2011. The Defense completely ignored the request. That is not a dispute, that is pure negligence to cooperate. In point of fact the Defense never

Motion for

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1 raised a dispute until they filed their Motion for Protection Order well after the 30 days allotted to object to  
2 the request.

3 Defense's allegation that Plaintiff failed to comply with this Court's Order to cooperate is a frivolous  
4 allegation. Plaintiff, in good faith, communicated the First Request and waited the 30 days to hear back  
5 from the Defense. The Defense chose to completely ignore the request. They raised no concerns or  
6 objections to the Request. They failed to comply, as described in the Motion to Compel, with FCRP34 and  
7 this Court's Order to Cooperate. As the Declaration of James McDonald in Support of Motion to Compel  
8 shows this is not the first time they have blatantly ignored communication from the Plaintiff. They have  
9 shown no good faith or cooperative effort whatsoever. After being ignored previously by the Defense's  
10 attorney and repeatedly in the past by the Defendants, Plaintiff once again needed this Court's assistance  
11 in getting them to cooperate. Had they ever cooperated in the past, this litigation may very well never have  
12 had to take place.

13 Finally, denying this motion will only cause further work for this Court, the Defendants and the  
14 Plaintiff. Plaintiff has corrected the procedural issue. Defense makes no defense against failing to  
15 cooperate with the Request in the first place within their Response. If the Motion to Compel is denied for  
16 procedural grounds, Plaintiff will have to simply re-file the Motion with the same Declaration attached  
17 hereto and the Court and the parties will have to re-read, re-respond and re-decide the matter.

### 18 **III. Conclusion**

19 Therefore Plaintiff humbly and respectfully requests that his Motion to Compel be granted so the  
20 case can move forward rather than be unnecessarily delayed.

21 **/s/ James McDonald -**  
22 **James McDonald**  
23 **Pro Se**

### 24 **Certificate of Service**

25 I hereby certify that on the 3rd day of June, 2011 the foregoing was electronically filed with the  
26 Clerk of the Court using the ECF system, which sent notification and therefore served the following:  
27 Heidi Buck

28 Routh Crabtree Olsen  
13555 SE 36<sup>th</sup> ST Suite 300  
Bellevue, WA 98006

**/s/ James McDonald -**  
**James McDonald**  
**Pro Se**